

**From:** Sheldrake, Beth  
**Sent:** Thursday, January 30, 2014 5:04 PM  
**To:** Rochlin, Kevin; Jennings, Jannine; Wallace, Joe  
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**Attachments:** Mutual Respect needed in county Tribal disputes Idaho State Journal 1-23-2014.pdf

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**Sent:** Thursday, January 30, 2014 4:00 PM  
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FYI, dt

# Mutual respect needed in county, Tribal disputes

The Shoshone Bannock Tribes' recent articles in the Idaho State Journal unfortunately underscore the basic problem in trying to deal with Tribal government.

The first article [in a recent edition of the] Journal was where the Tribes said the Federal Court did not say what it said. The article then went into the expected name calling the Tribes seem to rely upon when they run out of cogent arguments. If you do not accept their demands, you are then called a racist. That is not an appropriate part of public dialogue and not a productive method of beginning a conversation.

Chairman Small, when faced with the Evans decision from the Ninth Circuit Court of Appeals, immediately criticized the court as not understanding the Tribes, and vowed that they would appeal that decision. The time for appeal has run, and no appeal was filed. Now the tact seems to be to ignore the court's ruling and say we will continue to harass citizens who live within the boundaries of the reservation, because we can and no one can stop us.

Rather than trying to explain to the Tribes that the Ninth Circuit said they have no jurisdiction over Dave Evans home building, it is more important to analyze why dealing with the Tribes has become very difficult.

In the past, the Tribal Business Council had members who were willing to try and work with local governments for a cooperative relationship. I, as a Power County commissioner, have attended many meetings with the Tribes to try and foster cooperation. However, the same scenario occurs at all of these meetings. Just as Chairman Small and Randy L. Teton did in their columns, we are all lectured about how evil we were and are. Non-Tribal members are

## COMMENTARY DELANE ANDERSON



singled out and mocked for historical misdeeds. It is then explained by the Tribes that the only remedy to this past is to give the Tribes money and agree to turn jurisdiction over our citizens to the Tribes, so they can get more money from those citizens.

To show respect for the Tribal government as a county commissioner, I attended the Sesqui-centennial Event at the Shoshone-Bannock Hotel last year. Immediately the speakers began criticizing the white man as a "dandelion in their sea of green grass."

The Evans case was not about FMC, it was a Power County resident who was threatened with arrest, fines and jail by the Tribes if he did not agree with their illegal demands. The Tribes told Mr. Evans' contractors that they had unlimited resources, free attorneys and would bury the contractors with legal costs whether the Tribes were right or wrong. Their tactics are reminiscent of the old Mafia. The actions of Power County in the Evans case were appropriate, it was what you want your government to do. Power County issued the building permits and directed the Evans to Idaho Public Health for their septic tank. Power County's building inspector monitored the construction and certified that the construction was proper and to building code. To the contrary, the Tribes just demanded permit fees, business licenses and consent to Tribal jurisdiction by the homeowners and the contractors. They offered no services for these demands.

The Tribes position on the FMC plant is particularly inconsistent. For years, the Tribes sold very expensive permits to FMC, authorized its activities and

their members received hundreds of millions of dollars in return. When those dollars quit flowing, the Tribes sued to continue those payments, even though the plant was closed. The Tribes opposed any cleanup of the site, insisting that they simply be paid hundreds of millions of dollars again.

If truly cleaning up the reservation was Chairman Small's goal, he would begin by observing the real problems on the reservation and creating and enforcing some building codes and land use laws so there would not be abandoned houses and vehicles, meth

labs, nonworking septic tanks and the like. What is particularly ironic about that fact is that the house built by Dave Evans is one of the nicest to be found. The Tribes picked Evans out for their fight, and bragged how they had unlimited resources for that

fight. They vowed to bury him in legal costs. Fortunately the Federal Court saw through that tactic. I was elected by the citizens of Power County, including Tribal members who live in Power County, to uphold the laws of the United States and the Constitution of the state of Idaho. My duties include not turning over Power County citizens to the jurisdiction of a foreign government.

Power County will continue to enforce our county laws, including building codes and land-use laws for all Power County residents, regardless of Tribal affiliation. We can only hope that the Tribes would do the same, and reservation residents would benefit.

Name calling, denying facts and wild accusations simply will not get that job done.

*Delane Anderson is a Power County Commissioner and a member of the Great Rift Business Development Organization.*

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